



February 23, 2016

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## ENGROSSED SENATE BILL No. 126

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DIGEST OF SB 126 (Updated February 23, 2016 12:13 pm - DI 87)

**Citations Affected:** IC 5-11; IC 5-14; IC 16-22; IC 16-23; noncode.

**Synopsis:** Political subdivision information on the Internet. Requires local governments and school corporations to provide information for posting on the Indiana transparency Internet web site (transparency web site) as follows: (1) Expenditures categorized by personal services, other operating expenses or total operating expenses, and debt service, including lease payments, related to debt. (2) A listing of fund balances, specifically identifying balances in funds that are being used for accumulation of money for future capital needs. Requires the department of local government finance (department) after July 31, (Continued next page)

**Effective:** Upon passage; July 1, 2016; January 1, 2017.

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### Miller Pete, Walker, Breaux

(HOUSE SPONSORS — ZENT, OBER, RIECKEN)

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January 5, 2016, read first time and referred to Committee on Local Government.  
January 14, 2016, amended, reported favorably — Do Pass.  
January 19, 2016, read second time, ordered engrossed. Engrossed.  
January 21, 2016, read third time, passed. Yeas 48, nays 0.

#### HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Government and Regulatory Reform.  
February 23, 2016, amended, reported — Do Pass.

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## Digest Continued

2017, to publish an annual financial and operational summary of each political subdivision on the transparency web site. Requires a political subdivision that has a public Internet web site to publish a link to the transparency web site. Requires the department to determine the summary's form, content, and publishing dates. Provides that the department of education determines the educational performance information to be included in the summary published by a school corporation. Allows a county or city hospital to withhold from disclosure the individual salaries of hospital employees. Urges the legislative council to assign to the interim committee on energy, utilities, and telecommunications, during the 2016 legislative interim, the topic of expanding the availability of open data in Indiana.



February 23, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 126

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-11-13-0.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2016]: **Sec. 0.5. This chapter does not apply to a hospital**  
4 **organized under IC 16-22-2, IC 16-22-8, or IC 16-23-1.**

5       SECTION 2. IC 5-14-3.7-3, AS AMENDED BY P.L.84-2014,  
6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JANUARY 1, 2017]: Sec. 3. (a) The department, working with the  
8 office of technology established by IC 4-13.1-2-1 or another  
9 organization that is part of a state educational institution, the state  
10 board of accounts established by IC 5-11-1-1, the department of local  
11 government finance established under IC 6-1.1-30-1.1, and the office  
12 of management and budget established by IC 4-3-22-3, shall post on  
13 the Indiana transparency Internet web site a data base that lists  
14 expenditures and fund balances, including expenditures for contracts,  
15 grants, and leases, for public schools. The web site must be  
16 electronically searchable by the public.

17       (b) The data base must include for public schools:

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- (1) the amount, date, payer, and payee of expenditures;
  - (2) a listing of expenditures ~~by:~~ **specifically identifying those for:**
    - (A) personal services;
    - (B) other operating expenses or ~~(C)~~ total operating expenses;
    - and**
    - (C) debt service, including lease payments, related to debt;**
  - (3) a listing of fund balances, **specifically identifying balances in funds that are being used for accumulation of money for future capital needs;**
  - (4) a listing of real and personal property owned by the public school;
  - (5) the report required under IC 6-1.1-33.5-7; and
  - (6) information for evaluating the fiscal health of each school corporation in the format required by section 16(b) of this chapter.
- SECTION 3. IC 5-14-3.8-3, AS AMENDED BY P.L.84-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. The department, working with the office of technology established by IC 4-13.1-2-1, or another organization that is part of a state educational institution, the office of management and budget established by IC 4-3-22-3, and the state board of accounts established by IC 5-11-1-1, shall post on the Indiana transparency Internet web site the following:
- (1) The financial reports required by IC 5-11-1-4.
  - (2) The report on expenditures per capita prepared under IC 6-1.1-33.5-7.
  - (3) A listing of the property tax rates certified by the department.
  - (4) An index of audit reports prepared by the state board of accounts.
  - (5) Local development agreement reports prepared under IC 4-33-23-10 and IC 4-33-23-17.
  - (6) Information for evaluating the fiscal health of a political subdivision in the format required by section 8(b) of this chapter.
  - (7) A listing of expenditures specifically identifying those for:**
    - (A) personal services;**
    - (B) other operating expenses or total operating expenses;**
    - and**
    - (C) debt service, including lease payments, related to debt.**
  - (8) A listing of fund balances, specifically identifying balances in funds that are being used for accumulation of money for future capital needs.**
  - ~~(7)~~ **(9) Any other financial information deemed appropriate by the**



department.

SECTION 4. IC 5-14-3.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

**Chapter 3.9. Financial and Operational Summary of a Political Subdivision**

**Sec. 1.** As used in this chapter, "department" refers to the department of local government finance established by IC 6-1.1-30-1.1.

**Sec. 2.** As used in this chapter, "political subdivision" means a county, township, city, town, school corporation, library district, fire protection district, public transportation corporation, local hospital authority or corporation, local airport authority district, special service district, special taxing district, or other separate local governmental entity that may sue and be sued.

**Sec. 3.** As used in this chapter, "summary" means the financial and operational summary required by this chapter.

**Sec. 4.** This chapter applies only to a political subdivision that has an Internet web site. This chapter does not require a political subdivision to establish an Internet web site.

**Sec. 5. (a)** After July 31, 2017, the department shall publish an annual summary of each political subdivision on the Indiana transparency Internet web site on the dates determined by the department.

**(b)** A political subdivision shall prominently display on the main Internet web page of the political subdivision's Internet web site the link provided by the department to the Indiana transparency Internet web site established under IC 5-14-3.7.

**Sec. 6.** The department shall determine the information to be disclosed in the summary that the department considers necessary to reflect the financial condition and operations of the political subdivision, which may include the following:

- (1) Information disclosed under IC 5-14-3.7 or IC 5-14-3.8.
- (2) Total operating budget.
- (3) Approximate number of full-time and part-time employees.
- (4) Outstanding indebtedness and interest paid on indebtedness.
- (5) Disbursements.
- (6) Assessed valuation and tax rates.
- (7) Revenue from all sources.

**Sec. 7. (a)** Subject to the requirements of this section, the



1 department shall determine the form of the summary, which must  
2 be presented in a manner that:

3 (1) can be conveniently and easily accessed from a single web  
4 page; and

5 (2) is commonly known as an Internet dashboard.

6 (b) The summary must be in a form that is concise and  
7 reasonably easy to understand.

8 Sec. 8. (a) This section applies only to a school corporation.

9 (b) The summary must include the educational performance  
10 information of each school in the school corporation. The  
11 department of education (established by IC 20-19-3-1) shall  
12 determine the contents of the educational performance  
13 information.

14 SECTION 5. IC 16-22-3-12 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The state board  
16 of accounts:

17 (1) shall approve or prescribe the manner in which the hospital  
18 records are kept;

19 (2) except as provided in subsection (c), shall audit the records of  
20 the hospital; and

21 (3) may approve forms for use by all hospitals or groups of  
22 hospitals.

23 (b) The governing board may use the calendar year or a fiscal year  
24 for maintaining hospital financial records. A hospital that receives a  
25 financial subsidy from the county for hospital operations, excluding  
26 mental health or ambulance services, during the preceding calendar or  
27 fiscal year must file with the county executive and the county fiscal  
28 body an annual report showing the income and expenses of the  
29 operating fund for the preceding calendar or fiscal year by major  
30 classification according to the chart of accounts approved by the state  
31 board of accounts. If the hospital uses a calendar year for maintaining  
32 financial records, the report must be filed not later than the last  
33 Monday in March of each year. If the hospital uses a fiscal year for  
34 maintaining financial records, the report must be filed not later than  
35 ninety (90) days after the close of the fiscal year. The annual report  
36 shall be published one (1) time. Hospital financial records may be kept  
37 in hard copy, on microfilm, or via another data system acceptable to the  
38 state board of accounts.

39 (c) A hospital may elect to have an audit required under subsection  
40 (a) performed by an independent certified public accounting firm that  
41 is experienced in hospital matters. The audit report must be kept on file  
42 at the hospital and a copy must be provided to the state board of



1 accounts. The audit engagement by a certified public accounting firm  
 2 must be performed pursuant to guidelines established by the state board  
 3 of accounts.

4 (d) If a hospital elects to use an independent certified public  
 5 accounting firm under subsection (c), the hospital shall provide written  
 6 notice to the state board of accounts not less than one hundred eighty  
 7 (180) days before the beginning of the hospital's fiscal year in which  
 8 the hospital elects to be audited by an independent certified public  
 9 accounting firm. For that hospital fiscal year, and each following fiscal  
 10 year until the hospital terminates the hospital's use of an independent  
 11 certified public accounting firm, the hospital shall use an independent  
 12 certified public accounting firm under subsection (c). A hospital shall  
 13 terminate its use of an independent certified public accounting firm  
 14 under subsection (c) by providing written notice to the state board of  
 15 accounts not less than one hundred eighty (180) days before the  
 16 beginning of the hospital's fiscal year in which the hospital elects not  
 17 to be audited by an independent certified public accounting firm. For  
 18 that hospital fiscal year, and each following fiscal year until the  
 19 hospital elects to use an independent certified public accounting firm  
 20 as provided under this subsection, the hospital must be audited by the  
 21 state board of accounts for purposes of section 12(a)(2) of this chapter.  
 22 For any fiscal year in which the hospital does not use an independent  
 23 certified public accounting firm under subsection (c), the hospital shall  
 24 be audited by the state board of accounts.

25 (e) **Any information concerning the specific salaries paid to**  
 26 **individual employees of a hospital may be withheld by the hospital**  
 27 **from disclosure under IC 5-14-3. However, the information must**  
 28 **be provided to the state board of accounts upon request. The state**  
 29 **board of accounts shall maintain the confidentiality of the**  
 30 **information as required under IC 5-14-3-6.5.**

31 SECTION 6. IC 16-22-8-35.5 IS ADDED TO THE INDIANA  
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2016]: **Sec. 35.5. Any information concerning**  
 34 **the specific salaries paid to individual employees of a hospital may**  
 35 **be withheld by the hospital from disclosure under IC 5-14-3.**  
 36 **However, the information must be provided to the state board of**  
 37 **accounts upon request. The state board of accounts shall maintain**  
 38 **the confidentiality of the information as required under**  
 39 **IC 5-14-3-6.5.**

40 SECTION 7. IC 16-23-1-33.5 IS ADDED TO THE INDIANA  
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2016]: **Sec. 33.5. Any information concerning**



the specific salaries paid to individual employees of a hospital may be withheld by the hospital from disclosure under IC 5-14-3. However, the information must be provided to the entities described in section 33 of this chapter. Any entity shall maintain the confidentiality of the information as required under IC 5-14-3-6.5.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "committee" refers to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8).

(c) The legislative council is urged to assign to the committee during the 2016 legislative interim the topic of expanding the availability of open data in Indiana.

(d) If the topic described in subsection (c) is assigned to the committee, the committee shall consider, as part of its study, specific issues attendant to improving the quality, the impact, and the accessibility of open data in Indiana, including the following:

(1) Potential actions the state and local government units can take to make machine-readable data sets available and discoverable to the public in consistent and easily useable formats.

(2) The potential benefits to Indiana of making such open data available in terms of government transparency, accessibility, accountability, and public participation.

(3) The potential benefits to Indiana of making such open data available in terms of the performance, efficiency, and productivity of state and local government operations.

(4) The potential benefits to Indiana's economy of making open data available in terms of innovation, entrepreneurship, and economic growth.

(5) The need to protect the privacy, security, and confidentiality of information retained by state and local government in pursuing open data initiatives.

(6) The efforts undertaken by other state and local government units to pursue open data policies.

(e) If the topic described in subsection (c) is assigned to the committee, the committee shall issue a final report to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the topic described in subsection (c) or the specific strategies described in





- 1 subsection (d), in an electronic format under IC 5-14-6 not later
- 2 than November 1, 2016.
- 3 (f) This SECTION expires December 31, 2016.
- 4 SECTION 9. An emergency is declared for this act.



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 126, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, after line 9, begin a new paragraph and insert:

**"SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

**(b) As used in this SECTION, "committee" refers to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8).**

**(c) The legislative council is urged to assign to the committee during the 2016 legislative interim the topic of expanding the availability of open data in Indiana.**

**(d) If the topic described in subsection (c) is assigned to the committee, the committee shall consider, as part of its study, specific issues attendant to improving the quality, the impact, and the accessibility of open data in Indiana, including the following:**

**(1) Potential actions the state and local government units can take to make machine-readable data sets available and discoverable to the public in consistent and easily useable formats.**

**(2) The potential benefits to Indiana of making such open data available in terms of government transparency, accessibility, accountability, and public participation.**

**(3) The potential benefits to Indiana of making such open data available in terms of the performance, efficiency, and productivity of state and local government operations.**

**(4) The potential benefits to Indiana's economy of making open data available in terms of innovation, entrepreneurship, and economic growth.**

**(5) The need to protect the privacy, security, and confidentiality of information retained by state and local government in pursuing open data initiatives.**

**(6) The efforts undertaken by other state and local government units to pursue open data policies.**

**(e) If the topic described in subsection (c) is assigned to the committee, the committee shall issue a final report to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the topic described in subsection (c) or the specific strategies described in**



**subsection (d), in an electronic format under IC 5-14-6 not later than November 1, 2016.**

**(f) This SECTION expires December 31, 2016.**

**SECTION 5. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 126 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 8, Nays 0.

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 126, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-11-13-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. This chapter does not apply to a hospital organized under IC 16-22-2, IC 16-22-8, or IC 16-23-1.**"

Page 4, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 4. IC 16-22-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The state board of accounts:

- (1) shall approve or prescribe the manner in which the hospital records are kept;
- (2) except as provided in subsection (c), shall audit the records of the hospital; and
- (3) may approve forms for use by all hospitals or groups of hospitals.

(b) The governing board may use the calendar year or a fiscal year for maintaining hospital financial records. A hospital that receives a financial subsidy from the county for hospital operations, excluding mental health or ambulance services, during the preceding calendar or fiscal year must file with the county executive and the county fiscal body an annual report showing the income and expenses of the

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operating fund for the preceding calendar or fiscal year by major classification according to the chart of accounts approved by the state board of accounts. If the hospital uses a calendar year for maintaining financial records, the report must be filed not later than the last Monday in March of each year. If the hospital uses a fiscal year for maintaining financial records, the report must be filed not later than ninety (90) days after the close of the fiscal year. The annual report shall be published one (1) time. Hospital financial records may be kept in hard copy, on microfilm, or via another data system acceptable to the state board of accounts.

(c) A hospital may elect to have an audit required under subsection (a) performed by an independent certified public accounting firm that is experienced in hospital matters. The audit report must be kept on file at the hospital and a copy must be provided to the state board of accounts. The audit engagement by a certified public accounting firm must be performed pursuant to guidelines established by the state board of accounts.

(d) If a hospital elects to use an independent certified public accounting firm under subsection (c), the hospital shall provide written notice to the state board of accounts not less than one hundred eighty (180) days before the beginning of the hospital's fiscal year in which the hospital elects to be audited by an independent certified public accounting firm. For that hospital fiscal year, and each following fiscal year until the hospital terminates the hospital's use of an independent certified public accounting firm, the hospital shall use an independent certified public accounting firm under subsection (c). A hospital shall terminate its use of an independent certified public accounting firm under subsection (c) by providing written notice to the state board of accounts not less than one hundred eighty (180) days before the beginning of the hospital's fiscal year in which the hospital elects not to be audited by an independent certified public accounting firm. For that hospital fiscal year, and each following fiscal year until the hospital elects to use an independent certified public accounting firm as provided under this subsection, the hospital must be audited by the state board of accounts for purposes of section 12(a)(2) of this chapter. For any fiscal year in which the hospital does not use an independent certified public accounting firm under subsection (c), the hospital shall be audited by the state board of accounts.

**(e) Any information concerning the specific salaries paid to individual employees of a hospital may be withheld by the hospital from disclosure under IC 5-14-3. However, the information must be provided to the state board of accounts upon request. The state**



**board of accounts shall maintain the confidentiality of the information as required under IC 5-14-3-6.5.**

SECTION 5. IC 16-22-8-35.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 35.5. Any information concerning the specific salaries paid to individual employees of a hospital may be withheld by the hospital from disclosure under IC 5-14-3. However, the information must be provided to the state board of accounts upon request. The state board of accounts shall maintain the confidentiality of the information as required under IC 5-14-3-6.5.**

SECTION 6. IC 16-23-1-33.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 33.5. Any information concerning the specific salaries paid to individual employees of a hospital may be withheld by the hospital from disclosure under IC 5-14-3. However, the information must be provided to the entities described in section 33 of this chapter. Any entity shall maintain the confidentiality of the information as required under IC 5-14-3-6.5."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 126 as printed January 15, 2016.)

MAHAN

Committee Vote: yeas 11, nays 0.

